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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/684,191  | 10/14/2003  | Long Bao Zhang       | USDP2274A-ALL       | 8860             |
| 30265   | 7590        | 09/07/2005           | EXAMINER            |                  |
| RAYMOND Y. CHAN<br>108 N. YNEZ AVE., SUITE 128<br>MONTEREY PARK, CA 91754 |             |                      | HAN, JASON          |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2875                |                  |
| DATE MAILED: 09/07/2005   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/684,191

Applicant(s)

ZHANG, LONG BAO

Examiner

Jason M. Han

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s): \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. This application appears to be a division of Application No. 10/150,739, filed May 17, 2002. A later application for a distinct or independent invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in an earlier or parent application is known as a divisional application or "division." The divisional application should set forth the portion of the earlier disclosure that is germane to the invention as claimed in the divisional application.
2. Applicant should be advised that the parent application was not held to a restriction requirement, which would render this application not a divisional. Elucidation and appropriate correction is required, whereby applicant should amend the specification to notify that the instant application is a continuation of 10/150,739.

### ***Specification***

3. Numerous grammatical and typographical errors are replete throughout the application. The examiner has forgone any correction due to the amount, and the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The disclosure is objected to because of the following informalities:
  - a. Page 5, Line 29: Typographical error – "luminary element 22" should read as "luminary element 222"; Appropriate correction is required.

- b. Page 6, Line 17: Typographical error – “guiding window 2112” should read as “guiding window 2212”; Appropriate correction is required.

***Double Patenting***

5. Claims 1-2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 42 of U.S. Patent No. 6,715,900. Although the conflicting claims are not identical, they are not patentably distinct from each other because both recite comparable subject matter with the exception of the luminary element being a double bonded diode in the former rather than a single bonded diode in the current application. It is commonly known and obvious, as corroborated by applicant [Page 2, Lines 1-11], that the luminary element (LED) may be either a single bonded or double bonded diode.
6. Claims 1-2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-2 of U.S. Patent No. 6,922,018. Although the conflicting claims are not identical, they are not patentably distinct from each other because both recite comparable subject matter with the exception of the luminary element being a single bonded diode with two terminal electrodes in the current application. It is obvious that the broader claim of the former application could have easily been modified to incorporate either a single or double bonded diode as the luminary element.

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The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111].

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruskouski (U.S. Patent 5655830).
8. With regards to Claim 1, Ruskouski discloses a light source arrangement including:
  - An electric input adapter [Figure 6: (68-69)] for electrically connecting with a power source [Column 1, Line 66 – Column 2, Line 5];
  - A light head [Figure 6: (15)] having a supporting frame [Figure 6: (105, 107)] with at least a dissipating end [Figure 6: (22)] and a peripheral surface provided thereon [Figure 6: side face where (107) is disposed]; and
  - A luminary unit having a circuit [Figure 6: (40, 55, 59)] provided on said peripheral surface of said supporting frame and electrically connected with said electric input adapter [Column 6, Lines 55-59], and at least a luminary element [Figures 6-7: (100)] having two terminal electrodes [Figure 7: (112, 120)], whereby the luminary element is supported by the supporting frame and electrically connected to the circuit for emitting light when the terminal electrodes are electrified.

9. With regards to Claim 2, Ruskouski discloses the luminary element being a single bonded diode [Figure 7: (110)], wherein one of the terminal electrodes is electrically connected to the supporting frame while another terminal electrode is electrically connected to the circuit. It should again be noted that a broad interpretation has been rendered and that the applicant should further elucidate and provide structural limitation(s) with respect to a single bonded diode and how the terminal electrodes are electrically connected.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 6220722 to Begemann;

US Patent 6880956 to Zhang.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (8/24/2005)

  
Stephen Husar  
Primary Examiner